

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3852 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE C.K.BUCH

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1. Whether Reporters of Local Papers may be allowed : YES
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

RANPARIYA S PURSHOTTAMDAS

Versus

DIRECTOR OF COTTAGE INDUSTRIES AND INDU COOP & ADDL REG

Appearance:

MR CC TRIVEDI FOR JS PATEL for Petitioner
MR BY MANKAD, AGP for Respondent No. 1, 3
MR RJ OZA for Respondent No. 2

CORAM : MR.JUSTICE C.K.BUCH

Date of decision: 04/08/2000

ORAL JUDGEMENT

1. This petition under Article 226 of the
Constitution of India is filed by the petitioner for
quashing and setting aside the impugned order at Annex.B

passed by respondent no.2 on 15.5.1990 and also for a writ of mandamus directing the respondents to appoint the petitioner on regular basis as Helper (Sewing Class) in Regional Training Centre, Amreli, run by the State of Gujarat and under the supervision and control of the Director, Cottage Industries & Addl. Registrar, Co.Op. Societies, Amreli. It has been contended that the petitioner was appointed temporarily vide order dated 17.8.1988 and she had served for about two years as Helper. Vide order dated 15.5.1990 at Annex.B, services of the petitioner came to be terminated which order is under challenged in this petition.

2. On perusal of the papers produced by the petitioner and averments made in the petition, in my view, there is no merit in the case of the petitioner since as per the conditions stipulated in the order of appointment itself, petitioner was appointed purely on temporary basis and her services are liable to be terminated without any notice. It was also stipulated that petitioner will be having no right of claim over the post of Helper on which she came to be appointed or on any other posts of the department. Since the services of the petitioner were not required, she came to be terminated. Thus, it clearly appears that termination of the petitioner was termination simpliciter. In view of self-explanatory conditions incorporated in the appointment order and in view of facts and circumstances of the case, there is no merit in this petition and it requires to be dismissed.

3. Mr. C.C.Trivedi, learned counsel appearing for Mr.JS Patel, learned counsel for the petitioner, has vehemently submitted that this is a case wherein, respondents could have appointed the petitioner on any other post considering the services rendered by the petitioner. Learned counsel Mr.Trivedi has further submitted that State Government or the Officer of the department concerned should be issued directions to consider the case of the petitioner sympathetically as and when such vacancy arises or services of that nature are required. It appears that petitioner has tried to obtain interim relief from this Court, but this Court, though issued Rule in the matter on 12.6.1990, refused interim relief. Learned AGP Mr. Mankad for the State submits that this is not a case wherein the Court should issue such directions to the State or the officer of the concerned department. Normally, such directions should not be issued. However, the fact that petitioner had served for a pretty long time, should also not be ignored by the State, more particularly in view of the fact that

the petitioner is a deserted woman having two children to maintain.

4. For the reasons aforesaid, petition fails and is hereby dismissed. It is however, observed that in future if such vacancy arises or services of Helper or Servants are required in the department of the respondents at Amreli in the Centre by way of stop gap arrangement or because of leave vacancy etc., in that event, case of the petitioner for an ad hoc or temporary appointment on such post shall be considered by the respondents herein sympathetically. Subject to above observations, Rule is discharged. No costs.

4.8.2000 [C.K. BUCH, J]

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